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12 United States of America
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15 IN THE UNITED STATES DISTRICT COURT
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 JOSE MANUEL CHAVEZ ZEPEDA, and
22 DENIS ZACARIAS PONCE CASTILLO
23 Defendants.
24

25 CASE NO. 2:22-cr-00064-JAM

26 **STIPULATION REGARDING EXCLUDABLE
27 TIME PERIODS UNDER SPEEDY TRIAL ACT;
28 ORDER**

29 DATE: May 7, 2024
30 TIME: 9:30 a.m.
31 COURT: Hon. John A. Mendez

32
33 **STIPULATION**

34 1. By previous order, this matter was set for status on May 7, 2024.

35 2. By this stipulation, defendants now move to continue the status conference until

36 **September 24, 2024, at 09:00 a.m.**, and to exclude time between May 7, 2024, and September 24,
37 2024, under Local Code T4.

38 3. The parties agree and stipulate, and request that the Court find the following:

39 a) The government has represented that the discovery associated with this case
40 includes more than 5,300 pages of investigative reports, photographs, phone toll records, and
41 other materials, as well as video and audio recordings. All of this discovery has been either
42 produced directly to counsel and/or made available for inspection and copying.

b) On December 27, 2023, attorney Dina Santos was appointed as new counsel of record for defendant Denis Zacarias Ponce Castillo.

c) Counsel for defendants desire additional time to review the discovery, to review the charges and potential responses to the charges with their clients, to conduct factual investigation and legal research, and to otherwise prepare for trial.

d) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 7, 2024 to September 24, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 1, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER

DAVID W. SPENCER

Assistant United States Attorney

1 Dated: May 1, 2024

/s/ Clemente Jimenez
Clemente Jimenez
Counsel for Defendant
JOSE MANUEL CHAVEZ ZEPEDA

4 Dated: May 1, 2024

/s/ Dina Santos
Dina Santos
Counsel for Defendant
DENIS ZACARIAS PONCE
CASTILLO

9 **ORDER**

11 IT IS SO FOUND AND ORDERED.

13 Dated: May 01, 2024

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE